

City Council of the Mayor and Council of New Castle
Regular Council Meeting at Town Hall – 201 Delaware Street – New Castle
Tuesday – July 14, 2009 – 7 p.m.

Present:

Council President William Barthel
Councilperson John Cochran
Councilperson John Gaworski
Councilperson Ted Megginson
Councilperson Teel Petty

Also Present: Mayor Jack Klingmeyer, City Treasurer Janet Carlin, City Administrator Cathryn Thomas, City Solicitor Roger Akin, Police Chief Kevin McDerby, Building Official Jeff Bergstrom

Approval of Minutes by Date

A motion was made by Councilperson Petty to accept the minutes of June 9, June 18, June 23 and June 25 as written. The motion was seconded by Councilperson Gaworski. The motion was approved unanimously.

Approval of Treasurer's Report

City Treasurer Carlin reported that, as of June 30, 2009, total petty cash on hand was \$400; total monthly deposits were \$250,957.29; total cash in the Wilmington Trust accounts, \$525,153.63; total certificates of deposit and Delaware Government Investment Pool, \$636,461.86; and total cash on hand, \$1,161,615.49.

Councilperson Cochran made a motion to accept the report as presented. Councilperson Megginson seconded the motion. The motion passed unanimously.

Report from the City Administrator

Administrator Thomas stated her full report was in City Council packets. Council President Barthel said the report was accepted as presented.

Approval of Staff Reports

Council President Barthel said the staff reports were accepted as presented.

Grant Review

Councilperson Cochran said a check for \$15,000 was received from WILMAPCO, for upgrading the comprehensive plan; a grant from MSAF for \$565.91; a drug grant for \$263.87; MSAF grant for \$547.63; Western Gateway grant for \$23,833.75; and a drug grant for \$263.87.

Communications

Councilperson Petty said she had invited the summer camp counselors to the meeting so City Council could meet them. She introduced Lauren Gibson, summer recreation coordinator.

Coordinator Gibson explained about the program and that the City has hired seven counselors this year. Her report indicates 84 campers registered this year. Several of the counselors attended the meeting and introduced themselves.

Unfinished Business

1. Third Reading and Adoption of Ordinance No. 463, Approving the Update to the 2003 Comprehensive Plan, entitled the 2009 City of New Castle Comprehensive Plan.

Councilperson Petty made a motion to approve the ordinance. The motion was seconded by Councilperson Gaworski. The motion was approved unanimously.

2. Third Reading and Adoption of Ordinance No. 464, establishing a curfew applicable to persons 17 years old and younger, who shall not be allowed unaccompanied in public overnight in the City of New Castle.

Councilperson Cochran made a motion to approve the ordinance. The motion was seconded by Councilperson Gaworski. The motion was approved unanimously.

3. First and Second Reading of Ordinance No. 465, amending the New Castle City Code, in all sections which provide for fees to be paid for various items associated with the City (i.e., licenses, permits, etc.), and stipulating that such fees shall be set from time to time by resolution of the City Council.

Council President Barthel explained a public hearing was held on the proposed ordinance prior to the meeting.

4. Discussion of a request for the City to act as a Sponsor for the Wharf Dance to be held in September, which would also include the City allowing its property on the wharf to be used for the event.

Council President Barthel said the City has checked with its insurance carrier about coverage of the event.

Administrator Thomas explained City Council has two options for insurance: \$290 for one level of coverage, which provides \$500,000 in coverage per occurrence and \$1 million total coverage; or \$345 for a higher level of coverage with \$1 million in coverage per occurrence and \$2 million coverage for the entire event. It is special coverage for the event.

City Council agreed to the higher coverage amount.

New Business

1. Motion, Discussion and Vote on Resolution No. 2009-14, adopting the Collective Bargaining Agreement negotiated by and between the City and the American Federation of State, County and Municipal Employees (AFSCME), Local 3615, for the contract term July 1, 2009 through June 30, 2012.

Councilperson Megginson made a motion to approve the resolution. The motion was seconded by Councilperson Cochran. The motion was approved unanimously.

2. Motion, Discussion and Vote on Resolution No. 2009-15, relative to 606 Delaware Street, concerning a request to build a new porch, which would encroach into the right-of-way on Delaware Street.

Council President Barthel read a letter from Joseph T. Hurst, the owner of 606 Delaware St., in which Mr. Hurst explained he had recently replaced the sidewalk in front of his residence and tore down his steps, which were creating a hazard. He failed to get proper permits but has since corrected the situation. He would like to build a porch on the house and replace the steps.

Building Official Bergstrom said he had received and reviewed information on the proposed porch and it leaves plenty of sidewalk for public use.

Councilperson Megginson made a motion to approve the resolution. The motion was seconded by Councilperson Cochran. The motion was approved unanimously.

3. Motion to make appointments to the Board of Building Appeals.

Council President Barthel explained one thing Council is trying to do is to get better at enforcing current codes, as well as strengthening ordinances.

Councilperson Petty made a motion to appoint David Connell, of 725 Clymer Street, and Angela Marconi, of 521 Delaware Street, to the Board of Building Appeals. Councilperson Gaworski seconded the motion. The motion was approved unanimously.

4. Motion, Discussion and Vote on a Bank Resolution to pay \$26,121.83 to AmeriHealth Casualty Services, for the first installment payment for workers' compensation insurance coverage.

Councilperson Megginson made a motion to approve the resolution. The motion was seconded by Councilperson Petty. The motion was approved unanimously.

5. Motion, Discussion and Vote on a Resolution to Confirm selections of the Mayor of Planning Commission members:

Joseph DiAngelo, 753 W. 12th Street;
William Simpson, 149 E. 3rd Street;

Vera Worthy, 26 Karlstad Road.
All to serve terms ending in 2012.

Councilperson Megginson made a motion to approve the resolution. Councilperson Cochran seconded the motion. The motion was approved unanimously.

6. Report on impact of State budget cuts on the City of New Castle.

Council President Barthel read a memo from George C. Wright, Jr., Executive Director of the Delaware League of Local Governments. The memo explained that after a careful review of the State's fiscal 2010 budget, it was discovered that Municipal Street Aid Funding had been cut out entirely.

Council President Barthel said the information was received after the State passed its budget and after the City passed its budget. He explained the City has money to complete previously scheduled projects; the problem will be going forward. He added it may not be the last of these types of cuts the City will face.

Administrator Thomas explained the City budgeted \$120,000 to \$130,000 for the street funds, both as a revenue and expenditure. Since the City will not receive the anticipated revenue, it won't expend the money. It has not signed contracts for the projects. It is negative for the street program, but it does not leave a large hole in the new City budget. In addition, Community Transportation Funds have been cut roughly in half. The City now forecasts getting hopefully \$50,000 total there.

7. Comments from the floor.

Earl Carpenter asked how John Lloyd could have cited so many businesses for operating without a business license.

Building Official Bergstrom said he knew where to go. Most of them are businesses that have not renewed and officials know where they are located.

Esther Lovlie, speaking on behalf of the Historic New Castle Alliance, thanked City Council for honoring its funding request in the budget. And thanked them for supporting HNCA's vision of a more vibrant City through a strategic partnership.

A resident said the public should put the State Legislators on notice if they did not know what they were voting on.

Councilperson Petty asked about the paper streets in the community. She had been asked to find out about them in relation to CPR's development in the Buttonwood area.

Building Official Bergstrom said that before someone can build on those streets, the City would require a developer to improve them and survey them.

8. Executive Session to discuss a personnel matter.

Councilperson Cochran made a motion to adjourn the meeting into an executive session.

Councilperson Megginson seconded the motion. The motion was approved unanimously.

An Executive Session segment of the meeting was held.

Councilperson Gaworski made a motion to adjourn the executive session segment of the meeting and to return to a regular session open meeting.

Councilperson Petty seconded the motion. The motion was approved unanimously.

9. Motion, Discussion and Vote on Resolution No. 2009-16, approving an amendment to the contract between the City of New Castle and New Castle City Administrator Cathryn C. Thomas.

Councilperson Petty made a motion to approve the resolution. The motion was seconded by Councilperson Megginson. The motion was approved unanimously.

The meeting was then adjourned.

Respectfully submitted,

Michael Dickinson
City Clerk